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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,151	03/02/2004	Arjuna Indraeswaran Rajasingham		3034

7590 07/21/2009  
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EXAMINER
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MCPHILLIP, ADRIAN J

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3623

MAIL DATE	DELIVERY MODE
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07/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Election by Original Presentation***

1. Amended claims 2-4 and 6-9 are directed to inventions that are independent or distinct from the invention originally claimed for at least the following reason(s). Claim 1 of the originally filed invention, dated 3/2/2004, presents a generic process for business decision support for creating a part of an economic venture for evaluating human resources utilizing an information network with a plurality of members - a Professional Collaboration Network comprising professional and trust layers, as well as a user decision support system for enabling the user in question to evaluate the “professional reputation” of a second person based on the references and response histories generated through the aforementioned professional and trust layers. In the original filing the applicant goes on to claim different species of this generic invention for example those directed to using Euclidean spaces – claim 3 – as well as those specifically comprising a billing and bidding process – claims 7 & 10, to name a few. However, as of the Applicant’s most recent filing, dated 4/20/2009, the Applicant replaces the species originally claimed with the patentably distinct species represented by amended claims 2-4 and 6-9. While the pending, amended version of claim 1 is generic enough to be considered merely a more narrow version of the originally filed generic claim 1, the Applicant’s amendments to claims 2-4 and 6-9 present an extensive number of changes to the species originally recited by the applicant and result in two separately distinct species of the invention that were not presented in the originally filed claims. Amended claims 2 and 6 for example present a species that uses a decision process that is very different from the one that was originally presented. Originally the method merely recited the use of the nature of and frequency of dialogs as metrics for establishing the trust network however the Applicant has amended the invention to recite a series

Art Unit: 3623

of querying, trust affirmation and iteration steps that were not present anywhere in the originally filed claims and make the amended process of establishing the trust network distinct from the mere usage of metrics like frequency etc. Furthermore, the original claim 1 recited that the connection threads utilized will be any unique path along pair wise linkages between any two of said members, however the Applicant is now presenting a separate and distinct embodiment of the invention whereby the connection threads are generated utilizing a very different process – specifically comprising obtaining a chain of trust linkages between the  $n$ th and  $(n+1)$ th level trust members to affirm a level of trust for example.

With regards to the inventions recited by claims 3-4 and 7-9, these claims too represent an attempt by the Applicant to shift the scope of the originally filed claims by replacing the originally claimed species with the patentably distinct species represented by amended claims 3-4 and 7-9. Amended claims 3-4 and 7-9 recite a species of the invention directed to creating and visually representing a virtual space for generating the user responses mentioned in claim 1. The claims go further to describe the usage of a tree like decision structure, yet none of these processing steps or information were initially presented or even mentioned by the Applicant in the originally filed claims. As a result these new limitations represent a patentably distinct embodiment of the invention as the amended invention no longer has the same operation or method of use as the originally submitted set of claims.

For at least the above reasons the inventions represented by amended claims 2-4 and 6-9 are distinct from the species presented in the original claims filed on 3/2/2004 and explicitly directed to species comprising Euclidean spaces and the generic usage of metrics such as frequency to define connection threads and/or the trust network. Since applicant has received an

Art Unit: 3623

action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-4 and 6-9 are withdrawn from consideration as being directed to a non-elected invention – see 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrian J. McPhillip whose telephone number is (571)270-5399. The examiner can normally be reached on Monday to Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. J. M./

Examiner, Art Unit 3623

7/20/2009

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623